

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: <div style="text-align: center;">see form PCT/ISA/220</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">REC'D 20 DEC 2005</td> <td style="width: 50%; text-align: center;">PCT</td> </tr> <tr> <td style="width: 50%; text-align: center;">WIPO</td> <td style="width: 50%; text-align: center;">PCT</td> </tr> </table> <div style="text-align: center; padding: 10px;"> WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) </td> </tr> </table>	REC'D 20 DEC 2005	PCT	WIPO	PCT	Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
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Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)						
Applicant's or agent's file reference see form PCT/ISA/220	FOR FURTHER ACTION See paragraph 2 below					
International application No. PCT/NL2005/000133	International filing date (day/month/year) 23.02.2005					
Priority date (day/month/year) 23.02.2004						
International Patent Classification (IPC) or both national classification and IPC A61F2/00						
Applicant JONGENENGEL RESEARCH & DEVELOPMENT B.V.						

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the International application
- ☐ Box No. VIII Certain observations on the International application


2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA: <div style="text-align: center;">  </div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Germano, A Telephone No. +31 70 340-4202
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2005/000133

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2005/000133

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-6
	No: Claims	1,2
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The document US-A-6 231 617 describes the closest prior art to the present application, see figs. 3-5 and the relevant description.

In particular this document discloses (the references in parentheses applying to this document, the wording adheres to the wording of claim 1):

"a liner (10) for connecting a prosthesis with the stump of an amputated lower leg, comprising a stocking (11) from a substantially flexible material for surrounding the stump with a first, open end (14) for receiving the stump therethrough, and a second, closed end (12) which is, on the outside, provided with coupling means (13) for coupling to the prosthesis, wherein the stocking (11) is, on inside, provided with a substantially form retaining disc (18a) for supporting the end of the stump, and wherein the substantially form-retaining disc (18a) is substantially non-round in view from the open end (14) of the stocking.

This disclosure corresponds to the subject-matter of claim 1 which therefore is not new and does not meet the requirements of Art. 33(2) PCT.

2. The features of claims 2 are also disclosed, in combination with the features of claim 1, in said US-A-6 231 617. Therefore claim 2 is not new and does not meet the requirements of Art. 33(2) PCT.
3. The features of claims 3 to 6 are not described in said US-A-6 231 617. Therefore the subject-matter of claims 3 to 6 is new and meets the requirements of Art. 33(3) PCT.
- 3.1 However, these features merely refer to particular configurations and forms of the retaining disc. The skilled man would not have to apply an inventive ingenuity in order to arrive to these forms, according to the circumstances.
Moreover these forms are suggested in US-A-5 529 575.

Therefore claims 3 to 6 do not involve an inventive step and do not meet the requirements of Art. 33(3) PCT

Re Item VII

Certain defects in the international application

4. Independent claim should be cast in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document US-A-6 231 617) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

In the present case however it appears that a new claim 1 to be filed should contain in its preamble at least all of the features of present claim 1.

5. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
6. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document US-A-6 231 617 is not mentioned in the description, nor is this document identified therein.
7. The description should be put in conformity with the claims as required by Rule 5.1(a)(iii) PCT.

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